

REMARKS

In the Office Action mailed on December 16, 2004, the Examiner rejected claims 82 and 86-92 under 35 U.S.C. § 102 as allegedly being anticipated by Sperling et al. (U.S. Patent No. 5,815,246); and rejected claims 83-85 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sperling et al. in view of Goldfarb (U.S. Patent No. 4,257,600).¹ The Examiner made the rejections final.

By this Amendment, Applicants amend claims 82-85. Accordingly, claims 17-29, 31-48, 50-52, 76-81, and 82-92 remain pending.

As an initial matter, Applicants gratefully acknowledge the Examiner's indication of the allowance of claims 17-29, 31-48, 50-52, and 76-81.

Applicants respectfully traverse the Examiner's rejections of claims 82 and 86-92 under 35 U.S.C. § 102 as allegedly being anticipated by Sperling et al. Amended independent claim 82 recites a stage assembly comprising, among other things, "at least one support system that supports the movable member, the at least one support system having a plurality of supporting parts to allow the movable member to move relative to a stationary surface, wherein each of the plurality of supporting parts includes at least two air layers."

Sperling et al. disclose a lithographic positioning device having, among other things, X-actuators 45, 47 and Y-actuator 49, a support body 43, and a carrier 67, as shown in Figs 1-3. Sperling et al. further disclose that the support body 43 is provided

¹Applicants note that the Examiner did not reject claim 86 in either of the rejections, nor did the Examiner indicate that claim 86 is allowable. However, the Office Action Summary indicates that claims 82-92 are rejected. The Examiner relies on U.S. Patent No. 4,257,600 solely for the alleged teachings of "a bearing with a planar layer and a spherical layer." Thus, for the purposes of this Amendment, Applicants assume that the Examiner intended to reject claim 86 under Section 102 over Sperling et al.

with three static gas bearings 71 by means of which the support body 43 is displaceably guided in the X and Y directions. (See Col. 9, lines 4-8.)

Sperling et al., however, do not disclose or suggest a stage assembly having all the claimed features, including, among others, a "plurality of supporting parts [that] includes at least two air layers" each. Even assuming the static gas bearings 71 include air, which Applicants do not necessarily concede, each bearing 71 of the Sperling et al. device does not have at least two air layers. Accordingly, Sperling et al. fail to teach each and every element of amended claim 82, and Applicants respectfully request that the rejection be reconsidered and withdrawn. Additionally, claims 83-92 depend directly or indirectly from claim 82, and are patentable for at least all of the reasons for which claim 82 is patentable.

Applicants respectfully traverse the Examiner's rejections of claims 83-85 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sperling et al. in view of Goldfarb. Even if Goldfarb teaches what the Examiner alleges (and Applicants do not necessarily agree that it does), this reference fails to overcome the shortcomings of the Sperling et al. reference discussed above. Therefore, claims 83-85, and their dependents, are allowable at least due to their dependence from claim 82.

Moreover, the Sperling et al. and Goldfarb patents derive from nonanalogous arts. When a modification to a primary reference involves a change in configuration, both the primary and secondary references must be from analogous arts. See In re Glavas, 230 F.2d 447 (C.C.P.A. 1956); see also M.P.E.P. § 1504.03. While the Sperling et al. reference involves a lithographic device used for the manufacture of integrated semi-conductor circuits, the Goldfarb reference involves a game apparatus in

which one or more players attempt to manipulate a playing surface in an attempt to cause a ball to roll into a goal area. There is no reason to suggest, and the Examiner has provided none, that one of skill in the lithographic device art would have looked to gaming apparatuses to make modifications or improvements to lithographic devices. Without the motivation to look to those arts, the rejection fails to set forth a *prima facie* case of obviousness for this additional reason.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to an exemplary embodiment described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Applicant respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 82-92 in condition for allowance with already allowed claims 17-29, 31-48, 50-52, and 76-81. Applicants submit that the proposed amendments of claims 82-85 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the Final Action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entry of this Amendment

would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing amendments and remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: May 2, 2005

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